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FACSIMILE TRANSMISSION

DATE: September 16, 2003

OUR REFERENCE: VTE-111-D

TO: Petitions at USPTO

FACSIMILE NO.: 703 308-6916

FROM: Thomas D. Helmholdt

RE: Petition Pursuant to 37 C.F.R. §1.127

PAGES TO FOLLOW: - 3 -

MESSAGE: PLEASE SEE ATTACHED DOCUMENTS

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Our Reference: VTE-111-D

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeff Moler et al.

Serial Number: 09/772,273

Filing Date: January 29, 2001

Examiner/Art Group Unit: Addison, Karen B./2834

Title: APPARATUS HAVING A SUPPORT
STRUCTURE AND ACTUATOR

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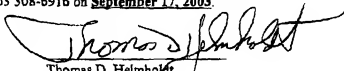
CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

Transmitted with this document is a Petition Pursuant to 37 C.F.R. §1.127 From a Refusal to Enter an Amendment Pursuant to 37 C.F.R. §1.116 in the above-identified application.

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Patent Office Petition fax number 703 308-6916 on September 17, 2003.



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Our Reference: VTE-111-D

PATENT

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**PETITION PURSUANT TO 37 C.F.R. §1.127 FROM A REFUSAL TO
ENTER AN AMENDMENT PURSUANT TO 37 C.F.R. §1.116**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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Sir:

PETITIONS OFFICE

A Final Rejection dated March 3, 2003 was issued by the U.S. Patent Office indicating that claims 19 and 20 were allowed, and claims 21-24 were objected to as depending from a rejected base claim. An After Final Amendment was filed on July 3, 2003 placing claim 21 in independent format by incorporation into claim 1, placing claim 23 in independent format by incorporation into claim 11, rewriting claim 22 into independent format, and rewriting claim 24 into independent format, each of the amended independent claims including all of the limitations of the base claim and any intervening claim with respect to the claims indicated as being objected to as depending from a rejected base claim. Therefore, the Amendment placed claims 1-7, 10-15, 18-20, 22, and 24 in suitable condition for allowance pursuant to the indication of allowable subject matter in the previous Office Action.

An Advisory Action dated September 12, 2003 indicates that the proposed Amendment will not be entered because the Amendment raises new issues that would require further consideration and/or search (see NOTE below): where the note indicates "NOTE: further search and consideration is required". It is submitted that the previously filed Amendment accepted the subject matter indicated as being

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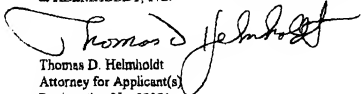
S.N. 09/772,273

allowable in the Office Action dated March 3, 2003. Each of the independent claims included the subject matter indicated as allowable including the corresponding independent claim and any intervening claims. Therefore, the Amendment did not raise new issues that would require further consideration and/or search, unless the Examiner intends to raise new grounds of rejection in which case the finality of the last Office Action must be withdrawn. The Advisory Action fails to particularly point out the new issues that were raised that would require further consideration and/or search. Accordingly, the Advisory Action is deficient in fully responding to the previously filed Amendment dated July 3, 2003.

It is respectfully submitted that the After Final Amendment dated July 3, 2003 be entered, since the Amendment did not raise new issues that would require further consideration and/or search, and places the application in suitable condition for allowance. A Notice of Appeal was filed with a Three-Month Request For Extension Of Time on September 3, 2003, and this Notice of Appeal will be moot after issuance of the Notice of Allowance in response to this Petition.

Respectfully submitted,

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Dated: September 17, 2003
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